

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6219

BILL NUMBER: SB 122

NOTE PREPARED: Dec 16, 2008

BILL AMENDED:

SUBJECT: Various Provisions Concerning Courts.

FIRST AUTHOR: Sen. Bray

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

- A. It repeals laws concerning the establishment and operation of county courts. (As of January 1, 2009, no county court will exist in Indiana.) It makes conforming amendments. It removes references to municipal courts. (Municipal courts ceased to exist on January 1, 1996.) It makes conforming amendments.
- B. Alcohol and Drug Service Program – It allows a person to participate in a court-established alcohol and drug service program if the person is: (1) arrested for a misdemeanor or felony; or (2) referred to the program by another court, a probation department, the Department of Correction, the Federal Bureau of Prisons, the Division of Mental Health and Addiction, a prosecuting attorney's office, or pretrial services.
- C. New Magistrate – It allows the judge of the Allen Circuit Court to appoint a second full-time magistrate. It removes the authority of the Allen Circuit Court judge to appoint a hearing officer: (1) who has the powers of a magistrate; and (2) whose salary is paid by the county.
- D. Private Judges – It allows former holders of a judicial office who served at least four consecutive years as a judge or justice to serve as private judges. (Current law allows only former judges of circuit, superior, criminal, probate, municipal, or county courts to serve as private judges.) It allows domestic relations cases to be assigned to private judges.

(The introduced version of this bill was prepared by the Commission on Courts.)

Effective Date: July 1, 2009.

Explanation of State Expenditures: *Allen County Magistrate-* A new Allen County magistrate is estimated

to result in an added annual expenditure of \$134,792. A magistrate's salary is 80% of the salary of a circuit and superior court judge.

The salary of circuit and superior court judges can be adjusted each year by one of two methods:

- The General Assembly could increase the amount specified in statute.
- If the General Assembly does not increase the salary of judges by a nominal amount, then under IC 33-38-5-8.1, salaries of judicial officers can be adjusted by the amount that executive staff salaries in the same salary level are increased.

State expenditures associated with these new court officers also depend on the costs of fringe benefits for state employees. While most of the benefits are based on a percentage of the salaries of the employee, the costs of medical insurance for these persons will depend on future decisions of the executive branch. The extent to which the state would pass along any increase in health insurance costs to employees is unknown.

The following table shows estimates of what the total compensation (base salary and fringe benefits) of magistrates during FY 2010. Future salary increases will depend on legislative or administrative actions (see IC 33-38-5-8.1)

Salaries and Benefits for Magistrates	
<u>Benefits</u>	
Salary	\$100,518
Life Insurance	\$362
Indiana Judicial Conference	\$1,000
Social Security	\$7,690
Retirement	\$9,549
Disability Insurance	\$2,292
Deferred Compensation Match	\$390
Health, Dental, and Vision (blended rate)	\$12,991
Total Cost Per Judicial Officer	\$134,792

Explanation of State Revenues:

Explanation of Local Expenditures: Allen County would save an estimated \$63,234 in CY 2009 and \$126,468 for each full year thereafter. Allen County currently pays a hearing officer a salary at the same level that magistrates receive. Consequently, Allen County will be relieved of paying for both the salary and the fringe benefits of a hearing officer. The following shows Allen County's savings if Allen County no longer pays the hearing officer.

	CY 2009	CY 2010	CY 2011
Salary	\$50,259	\$100,518	\$100,518
PERF and other fringe benefits*	\$4,703	\$9,406	\$9,406
Health Insurance*	\$8,272	\$16,544	\$16,544
Total Costs	\$63,234	\$126,468	\$126,468
*Source: Allen Circuit Court			

Alcohol and Drug Service Programs – There are currently two groups of persons who are often referred to alcohol and drug service programs who are not explicitly authorized by current statute:

(1) Persons who are in prosecutorial diversion programs for alcohol or drug abuse are often arrested but never charged with a crime. This language would expressly permit these persons to participate in alcohol and drug programs.

(2) Courts with other jurisdictions may refer certain parties to alcohol and drug treatment programs operated by these courts. As examples, parties involved in child custody proceedings may be referred to a court-operated alcohol and drug program if there are allegations of substance abuse.

As of December 2008, 53 courts were operating court alcohol and drug programs.

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: Allen County; Court alcohol and drug programs.

Information Sources: Jennifer Weber, Indiana Judicial Center; Tim Miller, Allen Circuit Court.

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